



Records: What, Where, and How Long?

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Put Your Records On

- Large organizations lose a document every 12 seconds (Cuadra Associates)
- 90% of all information is still retained on paper (Source: Gartner)
- U.S. managers spend an average of 4 weeks a year searching for or waiting on misfiled, mislabeled, untracked, or 'lost' papers (Cuadra Associates)
- Computer users spend 7.5 percent of their time on a PC looking for misplaced files (Survey reported in Information Week)



Purpose of Records Management

- Ensure records are available
 - Public records requests
 - Use by entity
 - Discovery
 - Historical perspective
- Protect records from improper destruction
- Ensure we aren't keeping more than we should



Benefits of Record Management

- Space Savings
- Time savings
- Money savings
- Increase public trust
- Create and document institutional memory

• (Tell the aliens what happened to us)



What is a public record?

- A **PUBLIC RECORD** is a record **kept by** a public office
 - “Kept by” means that the record is actually in existence and in the possession of the public office or person responsible for public records
 - Examples of records not “kept by” a public office:
 - (1) a record not yet in existence
 - (2) a record that has been disposed of lawfully
- R.C. § 149.43(A)



The Definition of a Record – The Three Prong Test

- A **RECORD** is:
 - (1) information stored on fixed media (paper, tapes, electronic text, photos, films, videos, etc); **and**
 - (2) is created, received or sent under the jurisdiction of the public office (the public office used the record in some way); **and**
 - (3) documents the organizations, functions, policies, decisions, procedures, operations, or other activities of the public office

R.C. § 149.011(G)

Examples of records: ordinances and resolutions, purchase orders, plans reviewed by the Building Department, drafts of letters, telephone messages, e-mail communications regarding City business, memoranda, audio recordings, police reports, violation notices, contracts, and correspondence with residents



E-mail Messages

- E-mails can be public records. Classified based on **content**
 - (1) Non-Record E-mails** such as personal correspondence or material that is publically available to anyone
 - No requirement to retain
 - (2) Transitory E-mails** such as telephone messages, drafts, and other limited documents that serve to convey information of temporary importance in lieu of oral communication
 - Retain until no administrative value
 - (3) Intermediate E-mails** are more significant than transitory, such as internal memos, advisory reports, and meeting minutes
 - Depends on subject matter of the correspondence
 - (4) Permanent E-mails** have significant administrative, legal, and/or fiscal value, such as executive correspondence or departmental policies and procedures
 - Depends on the subject matter



Social Media

- Social media records should be given the same consideration as other records
- If the **content** of the social media record meets the definition of a record, then it must be retained for the appropriate retention period
- Public employees engaging in social media activities should be careful of the content of their communications and corresponding records retention requirements



Records

- Databases:** If an existing program can perform a search and produce a compilation or summary as described by the requester, that output is deemed to "exist" as a record for the purposes of the Public Records Act
- Electronic Records:** ensure authenticity, security, and reliability
- Non-public records:** All records – public or not – are subject to records management and retention laws



Transitory Records

- **Transitory Records** are those that are temporary in nature and created for the purpose of transferring their content to an official file, database, report, etc.
- **Personal Notes** and **drafts** are transitory records if they meet the three-part definition of a "record"
 - Notes are not records if they are:
 - (1) kept as personal papers;
 - (2) kept for the employee/official's own convenience; and
 - (3) not accessible to other members
 - The content of the draft determines how long it should be kept



What are transient records?

1. contain information of short term usefulness;
 2. hold very little administrative value to the office or person;
 3. serve to convey information of a temporary value; and
 4. do not set policy, establish guidelines, certify a transaction, or become a receipt
- Transient records are retained until no longer of administrative value
 - The retention period could be as short as a few hours and could be as long as several days or weeks
 - Examples Include:
 1. voice mail messages;
 2. telephone message slips;
 3. post-it notes; and
 4. superseded drafts



Record Retention Obligations

- **Make** only such records as are necessary to document the organization, functions, and essential transactions of the agency, and to protect the legal and financial rights of the entity and persons directly affected
- **Do not destroy**, mutilate, or otherwise dispose of records **except** as provided by law or under the rules of a Records Commission
- **Organize and maintain** public records in a manner that they can be made available for inspection or copying
- **Keep** an available copy of current records retention schedule at a location readily available to the public



Factors Determining Value (and ultimately retention)

- **Administrative Purposes** – Period needed by the office to carry out its duties
- **Fiscal Tracking** –
 - Needs pertaining to the receipt, transfer, payment, adjustment, or encumbrances of funds
 - Documents subject to audit
- **Legal Value** – Documents relating to rights or obligations of citizens or of the agency that created it
- **Historical Value** –
 - Documents policies, decisions, procedures, etc.
 - Contains significant info about people, places, or events
 - Ohio Historical Society/Archives



Records Retention: Schedule Contents

- A retention schedule consists of the following:
 1. Record title and description;
 2. Length of time the record must be retained; and
 3. The media type of the records series (paper, microfiche, digital, film or videotape)
- Retention schedules are designed for people who have no knowledge of the records
- An efficient retention policy is one that refrains from using legal jargon and acronyms



Records Retention

Record Series Title	Suggested Retention Period	Media Type
1. Accident Reports/Files	Place in personnel file	Paper and/or Digital
Employee Injury Report	6 years provided no action pending	Paper and/or Digital
Damage to Municipal Vehicle or Property	6 years provided no action pending	Paper and/or Digital
2. Activity Reports - All types	2 years	Paper and/or Digital
3. Agendas	6 years	Paper and/or Digital
4. Annual Departmental Budget	5 years	Paper and/or Digital
5. Annual Departmental Report	Permanent - at 50 years appraise for historical value	Paper and/or Digital*
6. Annual Municipal Budget	Permanent - at 50 years appraise for historical value	Paper and/or Digital*
7. Annual Municipal Report	Permanent - at 50 years appraise for historical value	Paper and/or Digital*
8. Attendance Reports/Records	3 years	Paper and/or Digital
9. Audiovisual, PB & Training Materials	Until information is superseded, obsolete, or replaced, then appraise for historical	Paper and/or Digital
10. Badges and IDs	Turn in upon termination	Paper and/or Digital
11. Blank Forms	Until obsolete or superseded	Paper and/or Digital
12. Blueprints/Vellums	Until information is superseded, obsolete, or replaced, then appraise for historical	Digital*



Retention Periods

A record retention period can be:

- A set period of time with subsequent instructions
 - Routine e-mail correspondence must be kept for 6 months, then destroyed
 - Executive e-mail correspondence must be kept for 2 years, then transferred to State Archives
- An event-driven period
 - Mailing lists shall be kept until superseded or obsolete
- A set period of time and an event driven period
 - Contracts shall be retained for 15 years after expiration
- Set retention period to the longest value



Records Commission

- Responsibilities
 - Provide rules for retention and disposition of records
 - Reviews and approves
 - Retention Schedules
 - Applications for one-time disposals
 - Holds Meetings
 - Open to public
 - Notice must be given
 - Detailed minutes must be kept



Below are criteria for records commissions:

Counties [ORC § 149.38]*	Member of the Board of County Commissioners as chairperson Prosecuting Attorney Auditor Recorder Clerk of Court of Common Pleas	Meet at least once every 6 months
Municipalities [ORC § 149.39]*	Chief Executive (or appointed representative) as chairman Chief Fiscal Officer Chief Legal Officer Citizen (appointed by the chairman)	Meet at least once every 6 months
Townships [ORC § 149.42]	Chairman of the Board of Township Trustees Fiscal Officer of the Township	Meet at least once every 12 months
School Districts and Educational Service Centers [ORC § 149.41]	Board President Treasurer Superintendent of Schools	Meet at least once every 12 months
Public Libraries [ORC § 149.41]	Board of Trustees members Fiscal Officer	Meet at least once every 12 months
Special Taxing Districts [ORC § 149.412]**	Chair of governing board Fiscal representative from board Legal representative from board	Meet at least once every 12 months



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OHIO HISTORY
RECORDS

CERTIFICATE OF RECORDS DISPOSAL (RC-3) - Part 3
(See instructions before completing this form. Must be submitted with Part 1.)

Ohio Village, Village of _____ Human Resources

(Initial submission here)

10 Records Series Title	20 Authority for Disposal (100 for 100, 1000 for 1000, 10000 for 10000, etc.)	30 Record Type To be destroyed	40 Record Type To be retained (if any)	50 Inventory Date of Records (mm/dd/yyyy)	60 Proposed Date of Disposition <small>(17 business days from receipt by OHR)</small>	70 Disposition
Applications for employment (not final)	100-11 7/28/2008	Paper	None	12/20/11 12/20/2011	5/18/2016	
Workers' Compensation Case Files	100-28 7/28/2008	Paper	Electronic	1/20/12 11/11/2012	5/18/2016	
Employee Time Cards	100-34 7/28/2008	Paper	Talk	1/2/12 11/11/2012	5/18/2016	
Employee Manual	100-34 7/28/2008	Paper	None			Proposed transfer to Ohio Village Historical Society pending review

OHIO OHR RC-3 (Part 3) Rev. August 2014

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RC-3 Process

- Can only be used if RC-2 is on file
- For RC-2 submitted prior to 9/29/11 – have to use RC-3 form
- Complete form and submit at least 15 days prior to scheduled disposition
 - Retain a copy (for the record)
 - Can be submitted electronically
- OHC will contact you if there are records it wants to archive prior to disposal
- If no RC-3 form is needed, work with local Records Commission prior to disposition

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When to Dispose?



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Document the Disposition

- You need to know whether the record exists
- You need proof of compliance with record retention schedule
- Demonstrates consistent business practice for litigation purposes



A Word About Formats...



Format Choice

- Technology will change
- Media will degrade
- You still must make sure that the record is available, readable, and authentic until it has met retention



Electronic Document Management Systems

- Filing Conventions
 - Create unique names
 - Names should be simple and easy to understand
 - Avoid special characters
 - Use dates of creation – beginning with year
 - Keep file name short
 - Include version number
 - Set up naming protocols



Electronic Document Management Systems

- Develop a Policy
 - File names must last
 - Access and ease of use
 - Make administration easy
 - How many names will you need?
 - Determine what metadata to collect and preserve
 - Universal retrieval
 - Which is the official copy
 - What is relationship to paper copies



Records Retention: Liability for Violations

An “**aggrieved person**” may file either or both of the following, in common pleas court:

- A civil action for **injunctive relief** to compel compliance with this section, and/or
- A civil action to recover a **forfeiture of \$1,000 for each violation**, but:
- Forfeiture for multiple violations capped at \$10,000, and attorney fees are capped at forfeiture amount





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